

**IN THE CLAIMS:**

Claims 1-32. (Cancelled)

33. (New) A diathermic cutter comprising:

    a cylindrical main body member including a distal end portion having a surface portion which is insulated;

    an elongated member inserted in the main body member, and including a tip end projectable from the distal end portion of the main body member, the elongated member including a central axis and an external portion, the external portion having a width in a direction substantially perpendicular to the central axis;

    an electrically insulating portion provided on the tip end of the elongated member, and including a portion which is located farther than the external portion with respect to the central axis, the electrically insulating portion including a distal end side and a proximal end side, the proximal end side of the insulating portion being provided on the tip end of the elongated member; and

    a first electrode portion provided on the tip end of the elongated member and on the proximal end side of the electrically insulating portion, the first electrode portion being partially brought into contact with living tissue in a position farther than the external portion of the elongated member with respect to the central axis.

34. (New) The diathermic cutter according to claim 33, further comprising a second electrode portion which constitutes at least a portion of the elongated member.

35. (New) The diathermic cutter according to claim 34, wherein the first and second electrode portions are electrically connected to each other, and form an electrode member which causes an electric current to flow into the living tissue.

36. (New) The diathermic cutter according to claim 35, further comprising an opposite plate which is located outside a patient to cause the electric current to flow to the opposite plate through the living tissue.

37. (New) The diathermic cutter according to claim 34, wherein the first and second electrode portions are formed of different members.

38. (New) The diathermic cutter according to claim 37, further comprising a first conductive wire which is inserted in the main body member and electrically connected to the first electrode portion, and a second conductive wire which is electrically connected to the second electrode portion.

39. (New) The diathermic cutter according to claim 38, wherein one of the first and second electrode portions causes an electric current to flow to the other of the first and second electrode portions through living tissue.

40. (New) The diathermic cutter according to claim 33, wherein a portion of the first electrode portion is provided on a proximal end side of the electrically insulating portion.

41. (New) The diathermic cutter according to claim 40, wherein an outermost portion of the first electrode portion with respect to the central axis of the elongated member in the direction substantially perpendicular to the central axis is situated in a position which is

located apart from the central axis by substantially the same distance as an outer peripheral portion of the proximal end of the electrically insulating portion.

42. (New) The diathermic cutter according to claim 40, wherein an outermost portion of the first electrode portion with respect to the central axis of the elongated member in the direction substantially perpendicular to the central axis is situated in a position which is located apart from the central axis by a distance greater than a distance between the central axis and an outer peripheral portion of the proximal end of the electrically insulating portion.

43. (New) The diathermic cutter according to claim 41, wherein the first electrode portion includes a portion which is formed along the outer peripheral portion of the electrically insulating portion to extend toward the distal end of the electrically insulating portion.

44. (New) The diathermic cutter according to claim 33, wherein a portion of the elongated member which is projectable from the main body member includes a portion which is formed of an insulating member on the external portion.

45. (New) The diathermic cutter according to claim 44, wherein a conductive wire is provided in a portion of the elongated member which is projectable from the main body member, and is electrically connected to the first electrode portion, and the insulating member is provided to surround the conductive wire.

46. (New) A diathermic cutter comprising:  
a sheath including a distal end portion having a surface portion which is insulated;

an elongated member inserted in the sheath, and including a tip end which is projectable from the distal end portion of the sheath, the elongated member including a central axis and an external portion, the external portion having a width in a direction substantially perpendicular to the central axis, the central axis being substantially parallel to a projecting direction of the elongated member;

an electrically insulating portion provided on the tip end of the elongated member, and movable toward or away from the distal end portion of the sheath in accordance with movement of the elongated member; and

a first electrode portion including at least a portion partially covered with the electrically insulating portion such that another portion of the first electrode portion is exposed to face the distal end of the sheath, the exposed portion of the first electrode portion being located farther away from the central axis than the external portion of the elongated portion.

47. (New) The diathermic cutter according to claim 46, further comprising a second electrode portion which constitutes at least a portion of the elongated member.

48. (New) The diathermic cutter according to claim 47, wherein the first and second electrode portions are electrically connected to each other to form an electrode member.

49. (New) The diathermic cutter according to claim 48, further comprising an opposite plate which is located outside a patient to cause an electric current to flow to the opposite plate through the living tissue.

50. (New) The diathermic cutter according to claim 47, wherein the first and second electrode portions are electrically insulated from each other.

51. (New) The diathermic cutter according to claim 49, further comprising a first conductive wire which is inserted in the sheath, and is electrically connected to the first electrode portion, and a second conductive wire which is electrically connected to the first conductive wire.

52. (New) The diathermic cutter according to claim 51, wherein one of the first and second electrode portions causes the electric current to flow to the other of the first and second electrode portions through living tissue.

53. (New) The diathermic cutter according to claim 46, wherein the first electrode portion includes a portion which is provided on a proximal end side of the electrically insulating portion.

54. (New) The diathermic cutter according to claim 53, wherein an outermost portion of the first electrode portion with respect to the central axis of the elongated member in the direction substantially perpendicular to the central axis is situated in a position which is located apart from the central axis by substantially the same distance as an outer peripheral portion of the proximal end side of the electrically insulating portion.

55. (New) The diathermic cutter according to claim 53, wherein an outermost portion of the first electrode portion with respect to the central axis of the elongated member in the direction substantially perpendicular to the central axis is situated in a position which is

located apart from the central axis by a distance greater than a distance between the central axis and an outer peripheral portion of the proximal end of the electrically insulating portion.

56. (New) The diathermic cutter according to claim 54, wherein the first electrode portion includes a portion which is formed along the outer peripheral portion of the electrically insulating portion to extend toward the distal end of the electrically insulating portion.

57. (New) The diathermic cutter according to claim 46, wherein a portion of the elongated member which is projectable from the sheath includes a portion which is formed of an insulating member on the external portion.

58. (New) The diathermic cutter according to claim 57, wherein a conductive wire is provided in part of the elongated member which is projectable from the sheath, and is electrically connected to the first electrode portion, and the insulating member is provided to surround the conductive wire.